

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6035 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE A.N.DIVECHA

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1. Whether Reporters of Local Papers may be allowed  
to see the judgements? No

2. To be referred to the Reporter or not? No

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3. Whether Their Lordships wish to see the fair copy  
of the judgement? No

4. Whether this case involves a substantial question  
of law as to the interpretation of the Constitution  
of India, 1950 of any Order made thereunder? No

5. Whether it is to be circulated to the Civil Judge?  
No

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HARIJAN KESHA POPAT

Versus

STATE OF GUJARAT

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Appearance:

Shri B.M. Mangukiya, Advocate, for the Petitioner

Shri T.H. Sompura, Assistant Government Pleader,  
for the Respondents

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CORAM : MR.JUSTICE A.N.DIVECHA

Date of decision: 10/09/96

ORAL JUDGEMENT

The order passed by the Secretary (Appeals),  
Revenue Department at Ahmedabad (respondent No.2 herein)  
on 15th July 1996 below the application for stay made by  
and on behalf of the petitioner in his revisional

application against the order passed by the Collector of Jamnagar (respondent No.3 herein) on 29th June 1996 is under challenge in this petition under art. 226 of the Constitution of India. By his impugned order, respondent No.2 just rejected the petitioner's prayer for grant of an interim relief by a cryptic order without assigning any reason whatsoever.

2. It is not necessary to set out in detail the facts giving rise to this petition. It may be sufficient to note that the present petitioner challenged the order passed by respondent No. 3 on 29th June 1996. Its copy is at Annexure L to this petition. The petitioner made an application for grant of interim relief in the aforesaid revisional proceeding. Its copy is at Annexure M to this petition. By his cryptic order passed therebelow, respondent No.2 just rejected the prayer for grant of interim relief without any rhyme or reason.

3. The facts of this case are similar to those found in Special Civil Application No. 6030 of 1996. By an elaborate judgment delivered today, this Court set aside a similar order under challenge in that petition. Incidentally, the order under challenge in that petition was passed by the very person arraigned as respondent No.2 herein. It is not necessary to burden this judgment by repetition of the reasons given in the judgment in that case. For the same reasons, the order passed by respondent No.2 on 15th July 1996 below the stay application at Annexure M to this petition deserves to be quashed and set aside.

4. Instead of remanding the matter to respondent No. 2 for hearing as to grant of interim relief, it is desirable that respondent No.2 is directed to dispose of the entire matter on or before 30th October 1996 in view of the peculiar nature of this case.

5. In the result, this petition is accepted. The order passed by the Secretary (Appeals), Revenue Department at Ahmedabad (respondent No.2 herein) on 15th July 1996 below the stay application at Annexure M to this petition is quashed and set aside. Respondent No.2 is directed to dispose of the petitioner's revisional application on or before 30th October 1996. The ad-interim relief granted in this petition is ordered to continue till the revisional application at Annexure L to this petition is finally disposed of by respondent No.2 in terms of the direction contained in this judgment. Rule is accordingly made absolute to the aforesaid extent with no order as to costs. Direct service is permitted.

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